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TO AMEMBASSY SANTIAGO IMMEDIATE

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EXDIS **DECAPTIONED**

E.O. 12065 12/6/84 (SANDERS, DAN)

TAGS: SHUM, PGOV, CI

SUBJECT: CIA AFFIDAVITS ON TOWNLEY

REFERENCE: SANTIAGO 9214

1. (C) THE FOLLOWING ARE AFFIDAVITS FROM MR. GAMBINO AND TWO OTHER CIA EMPLOYEES. ALL THREE WERE DATED AND NOTARIZED ON NOVEMBER 9. THEY WERE FILED IN THE CLERK'S OFFICE IN U.S. DISTRICT COURT ON OR ABOUT NOVEMBER 13. THEY ARE NOT UNDER SEAL AND THUS ARE ON THE PUBLIC RECORD. WE DO NOT KNOW OF ANY PRESS ATTENTION HAVING BEEN GIVEN TO THEM IN THE U.S. POUCHED COPIES WILL FOLLOW.

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2. (C) WHEN GENE PROPPER RETURNS TO WASHINGTON, NEXT WEEK, WE WILL ASCERTAIN IF ALL OTHER RELEVANT EVIDENCE HAS BEEN SENT TO THE DEPARTMENT OF STATE AND REQUEST THAT ANY PERTINENT MATERIALS IN THE FUTURE BE FORWARDED FOR OUR INFORMATION.

3. (U) THREE AFFIDAVITS FOLLOW:

(A) FIRST AFFIDAVIT

UNITED STATES DISTRICT COURT

DISTRICT OF COLUMBIA

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UNITED STATES OF AMERICA,
V.
CONTRERAS, ET AL.,
GUILLERMO NOVO SAMPOL,
ALVIN ROSS DIAZ,
IGNACIO NOVO SAMPOL,

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CRIMINAL NO. 78-0367

AFFIDAVIT

DEFENDANTS

I, ROBERT W. GAMBINO, BEING DULY SWORN, DEPOSE AND SAY:

1. I AM THE DIRECTOR OF SECURITY, CENTRAL INTELLIGENCE AGENCY (CIA), AND AS SUCH AM THE HEAD OF THE OFFICE OF SECURITY. I HAVE HELD THAT POSITION SINCE AUGUST 1, 1975. I PREVIOUSLY HAVE HELD EXECUTIVE POSITIONS IN THE OFFICE OF SECURITY SINCE JUNE 1972.

2. I AM THE CUSTODIAN OF THE RECORDS MAINTAINED BY THE OFFICE OF SECURITY. THESE RECORDS ARE MAINTAINED AT CIA HEADQUARTERS, FAIRFAX COUNTY, VIRGINIA, AND IN ARCHIVAL STORAGE IN THE REGULAR COURSE OF BUSINESS OF THE CIA, AND IT IS THE REGULAR PRACTICE OF THE OFFICE

[REDACTED]

[REDACTED]

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OF SECURITY TO MAINTAIN SUCH RECORDS FOR CIA. THE RECORDS SYSTEM OF THE OFFICE OF SECURITY IS A REPOSITORY FOR RECORDS CONCERNING PRESENT OR FORMER EMPLOYEES, PRESENT OR FORMER CONTRACTORS, OR THEIR PRESENT OR FORMER EMPLOYEES, OR APPLICANTS FOR ANY SUCH EMPLOYMENT OR CONTRACTING, PERSONS WHO ARE POTENTIAL SOURCES OR CONTACTS AND PERSONS TO WHOM CLASSIFIED INFORMATION WILL BE DISCLOSED. UNDER STANDARD OFFICE OF SECURITY PROCEDURES, THE NAMES OF ALL SUCH INDIVIDUALS ARE RECORDED IN THE OFFICE OF SECURITY RECORDS SYSTEM AT THE CIA HEADQUARTERS AT OR NEAR THE TIME SUCH INFORMATION IS RECEIVED AT CIA HEADQUARTERS. THE RECORDS ARE REFERRED TO IN THE REGULAR COURSE OF BUSINESS WHEN A SECURITY QUESTION ARISES CONCERNING THE CLASSES OF PERSONS DESCRIBED ABOVE. THESE RECORDS ALSO CONTAIN INFORMATION CONCERNING INDIVIDUALS WHO ARE OF SECURITY INTEREST TO CIA, SUCH AS EMPLOYEES OF A FOREIGN INTELLIGENCE SERVICE, BUT FOR WHOM NO CLEARANCE HAS BEEN GRANTED.

3. EMPLOYEES UNDER MY SUPERVISION HAVE SEARCHED THE RECORDS MAINTAINED BY THE OFFICE OF SECURITY TO DETERMINE IF THE NAME MICHAEL VIRNON TOWNLEY WAS CONTAINED IN SUCH RECORDS. THESE EMPLOYEES HAVE ACCESS TO ALL PERTINENT OFFICE OF SECURITY RECORDS AND CONDUCT SEARCHES OF THESE RECORDS IN THE REGULAR COURSE OF THEIR PROFESSIONAL DUTIES.

4. THE RESULT OF THE SEARCH TO WHICH REFERENCE IS MADE IN PARAGRAPH 3 ABOVE HAS BEEN REPORTED TO ME BY THE

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OFFICE OF SECURITY EMPLOYEES WHO CONDUCTED SAID SEARCH.
THE SEARCH REVEALED THAT IN RESPONSE TO A DIRECTORATE
OF OPERATIONS REQUEST, A NAME CHECK WAS CONDUCTED IN
DECEMBER 1970. OFFICE OF SECURITY RECORDS ALSO REVEALED
THAT IN FEBRUARY 1971, THE DIRECTORATE OF OPERATIONS
REQUESTED PRELIMINARY SECURITY APPROVAL TO USE MR.
TOWNLEY IN AN OPERATIONAL CAPACITY. OFFICE OF SECURITY

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FILES DO NOT REFLECT WHETHER OR NOT MR. TOWNLEY WAS SO
USED, BUT THEY DO REFLECT THAT THE INTEREST IN MR.
TOWNLEY WAS CANCELLED ON 21 DECEMBER 1971. THERE IS
NO RECORD OF ANY AGENCY INTEREST IN MR. TOWNLEY
SUBSEQUENT TO 21 DECEMBER 1971.

(B) SECOND AFFIDAVIT (HEADING OMITTED)

I, F.W.M. JANNEY, BEING DULY SWORN, DEPOSE AND SAY:

1. I AM THE DIRECTOR OF PERSONNEL, CENTRAL INTELLIGENCE AGENCY (CIA), AND AS SUCH AM THE HEAD OF THE OFFICE OF PERSONNEL. I HAVE HELD THAT POSITION SINCE NOVEMBER 26, 1973.
2. I AM THE CUSTODIAN OF THE RECORDS MAINTAINED BY THE OFFICE OF PERSONNEL. THOSE RECORDS ARE MAINTAINED AT CIA HEADQUARTERS, FAIRFAX COUNTY, VIRGINIA, AND IN ARCHIVAL STORAGE IN THE REGULAR COURSE OF CIA BUSINESS, AND IT IS THE REGULAR PRACTICE OF CIA TO MAINTAIN SUCH RECORDS. THEY CONTAIN NAMES OF APPLICANTS FOR CIA EMPLOYMENT, CURRENT AND FORMER STAFF AND CONTRACT EMPLOYEES OF CIA, AND CURRENT AND FORMER CONSULTANTS OF CIA. UNDER STANDARD OFFICE OF PERSONNEL PROCEDURES, THE NAMES OF SUCH INDIVIDUALS, AS WELL AS CERTAIN INDEPENDENT CONTRACTORS ENGAGED BY CIA UNDER PERSONAL SERVICES CONTRACTS, ARE RECORDED IN THE OFFICE OF PERSONNEL RECORDS SYSTEM AT CIA HEADQUARTERS AT OR NEAR THE TIME SUCH INFORMATION IS RECEIVED AT CIA HEADQUARTERS.
3. EMPLOYEES UNDER MY SUPERVISION HAVE SEARCHED THE RECORDS MAINTAINED BY THE OFFICE OF PERSONNEL TO DETERMINE WHETHER THE NAME MICHAEL VERNON TOWNLEY APPEARS

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IN SUCH RECORDS. THESE EMPLOYEES HAVE ACCESS TO ALL
PERTINENT OFFICE OF PERSONNEL RECORDS AND CONDUCT
SEARCHES OF THESE RECORDS IN THE REGULAR COURSE OF THEIR
PROFESSIONAL DUTIES.

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4. THE RESULT OF THE SEARCH TO WHICH REFERENCE IS MADE IN PARAGRAPH 3 ABOVE HAS BEEN REPORTED TO ME BY THE OFFICE OF PERSONNEL EMPLOYEES WHO CONDUCTED THAT SEARCH. THE RESULT IS THAT THE OFFICE OF PERSONNEL RECORDS DO NOT CONTAIN THE NAME OF MICHAEL VERNON TOWNLEY.

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(C) THIRD AFFIDAVIT (HEADING OMITTED)

I. MARVIN L. SMITH, BEING DULY SWORN, DEPOSE AND SAY:

1. I AM THE CHIEF, OPERATIONS GROUP, INFORMATION MANAGEMENT STAFF, DIRECTORATE OF OPERATIONS, CENTRAL INTELLIGENCE AGENCY (CIA). I HAVE BEEN EMPLOYED BY THE CIA SINCE 1956 AND HAVE BEEN IN MY CURRENT POSITION SINCE JULY 1978.

2. AS CHIEF, OPERATIONS GROUP, I AM CUSTODIAN OF THE CENTRAL INDICES AND FILES OF THE DIRECTORATE OF OPERATIONS, AND RESPONSIBLE FOR PROCESSING AND MAINTAINING SUCH INDICES AND FILES. SAID RECORDS ARE MAINTAINED AT CIA HEADQUARTERS, FAIRFAX COUNTY, VIRGINIA, AND IN ARCHIVAL STORAGE IN THE REGULAR COURSE OF THE BUSINESS OF THE CIA, AND IT IS THE REGULAR PRACTICE OF THE CIA TO MAINTAIN SUCH RECORDS. THEY CONTAIN INFORMATION ON INDIVIDUALS WHO ARE OF FOREIGN INTELLIGENCE OR FOREIGN COUNTERINTELLIGENCE INTEREST TO THE CIA, EITHER BECAUSE OF THEIR ACTUAL, APPARENT, OR POTENTIAL ASSOCIATION WITH FOREIGN INTELLIGENCE OR FOREIGN COUNTERINTELLIGENCE ACTIVITIES, OR BECAUSE THEY ARE OF ACTUAL OR POTENTIAL USE TO CIA.

[REDACTED]

[REDACTED]

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3. I HAVE CAUSED A SEARCH OF THE DIRECTORATE OF OPERATIONS RECORDS TO BE MADE TO DETERMINE WHETHER THE NAME MICHAEL VERNON TOWNLEY APPEARS IN SUCH RECORDS. THE EMPLOYEES MAKING THIS SEARCH HAD ACCESS TO ALL PERTINENT DIRECTORATE OF OPERATIONS RECORDS.

4. THE RESULT OF THE SEARCH TO WHICH REFERENCE IS MADE IN PARAGRAPH 3 ABOVE HAS BEEN REPORTED TO ME BY THE DIRECTORATE OF OPERATIONS EMPLOYEES WHO CONDUCTED THAT SEARCH. THE SEARCH REVEALED THAT MR. TOWNLEY CONTACTED AN OVERT AGENCY REPRESENTATIVE IN MIAMI, FLORIDA, ON 25 NOVEMBER 1970 TO OFFER HIS SERVICES TO THE AGENCY. APPROPRIATE SECURITY CHECKS WERE MADE, BUT SUBSEQUENT EFFORTS TO REESTABLISH CONTACTS WITH MR. TOWNLEY IN 1971 WERE UNSUCCESSFUL AND ON 21 DECEMBER 1971 THE OFFICE OF SECURITY WAS INFORMED THAT THERE WAS NO LONGER ANY OPERATIONAL INTEREST IN MR. TOWNLEY.

5. MR. TOWNLEY TELEPHONED AN OVERT AGENCY REPRESENTATIVE IN MIAMI, FLORIDA, ON 14 JUNE 1973 TO NOTIFY THE AGENCY


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OF HIS PRESENCE IN THE U.S. IN THE EVENT IT DESIRED TO DEBRIEF HIM. HE CLAIMED THAT WHILE HE WAS IN CHILE HE TRIED UNSUCCESSFULLY TO CONTACT THE CIA. ON 18 JUNE 1973 MR. TOWNLEY AGAIN TELEPHONED AN OVERT AGENCY REPRESENTATIVE AT MIAMI, FLORIDA. HE WAS TOLD THAT THE AGENCY HAD NO QUESTIONS FOR HIM, BUT WOULD BE PLEASED TO ACCEPT ANY INFORMATION HE WANTED TO PASS. NO SUCH INFORMATION WAS GIVEN THE AGENCY BY MR. TOWNLEY.

6. THERE ARE NO DIRECTORATE OF OPERATIONS RECORDS OF SUBSEQUENT CONTACT WITH MR. TOWNLEY. VANCE


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